IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

LA.App..No. 530 of 2002()

LAR.175/2000 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT: APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

RESPONDENTS: RESPONDENT/CLAIMANT;

PANOLI PARAMBIL MOHANAN,
KOLAPURATH THAZHAM, P.O. CHAVARAMBALAM,
KOZHIKODE.

BY

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 08/06/2007, ALONG WITH L.A.A.NO.1181/2003 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.2155/2002 IN L.A.A.NO.5302002

DISMISSED.

8-6-2007 SD/- KURIAN JOSEPH, JUDGE

SD/- T.R.RAMACHANDRAN NAIR, JUDGE

/ TRUE COPY /

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR,JJ.

L.A.A.Nos.530/2002, 1181, 1182 & 1224/2003

Dated this the 8th day of June, 2007

JUDGMENT

Kurian Joseph,J.

These appeals arise out of a common judgment in L.A.R.Nos.173, 174 and 175 of 2000 on the file of the Subordinate Judge's Court, Kozhikode. The acquisition is for the purpose of Calicut Bye Pass. The latter three are at the instance of the claimants for enhancement and the former by the State against enhancement. The Land Acquisition Officer granted compensation at the rate of Rs.25,000/- per cent. The Reference Court found that the property is similar and similarly situated as that of the property covered by L.A.R.No.479/1997; however, the Court refused to follow the same on the only ground of pendency of appeal. Appeal against L.A.R No.479/1997 has been dismissed by judgment dated 9-4-2007 for L.A.A.No.774/2006, sustaining the market value at the rate of Rs.60,000/- per cent for wet land. In that view of the matter L.A.A.No.530/2002 is dismissed.

2. Though the claimants have a case that they are entitled to get Rs.90,000/- per cent and though they claimed such amount before the Reference Court, for the purpose of court fee it is seen that they

have limited their claim to Rs.65,000/- per cent. In this context it is to be noted that the property covered by the reference cases under appeal are garden land whereas the value of Rs.60,000/- per cent for the property covered by L.A.R.No.479/1997 is for wet land. Moreover, the Section 4(1) notification in the case of L.A.R.No.479/1997 is in 1993 whereas the notification in respect of the cases under appeal are in 1998. All that apart, it is seen that in a similar situation this court sustained the land value at the rate of Rs.65,000/- per cent in the common judgment dated 9-4-2007 in L.A.A.No.575/2000 and connected cases. For all the above reasons we allow the appeals. The appellants/claimants will be entitled to have the land value fixed at the rate of Rs.65,000/- per cent. The claimants will also be entitled to the statutory benefits. In case the balance court fee in L.A.A.No.1181/2003 is not paid within a period of one week from today, the same shall stand dismissed.

(KURIAN JOSEPH, JUDGE)

(T.R.RAMACHANDRAN NAIR, JUDGE)

ahg.

KURIAN JOSEPH &
T.R.RAMACHANDRAN NAIR,JJ.

L.A.A.Nos.530/2002, 1181,
1182 & 1224/2003

JUDGMENT

8th June 2007